

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A system for monitoring and managing unsold product inventory items comprising:

a master database on a computer server storing data elements in data tables relating to the product inventory items at one or more retail sales operations;

a data collection device having an internal memory, a data input interface that includes a product code detection device and a manual data entry device, a display screen, and a communication link to the master database on the computer server, said product code detection device used in a retail store to detect product data from individual unsold inventory product items;

one or more data elements transmitted to the master database on the communication link to update a data element in a data table; and

a disposition instruction for specified unsold product items transmitted to the data collection device on the communication link, said disposition instruction providing an instruction on the disposition of one or more specified unsold product items that is displayed on the display screen of the data collection device after receipt of product information by the data collection device while located within the retail store.

2. (Previously Amended) The system for monitoring and managing unsold product inventory items of Claim 1 wherein the received data elements updating the master database are transmitted from a retailer.
3. (Previously Amended) The system for monitoring and managing unsold product inventory items of Claim 1 wherein the received data elements updating the master database are transmitted from a manufacturer.
4. (Previously Amended) The system for monitoring and managing unsold product inventory items of Claim 1 wherein data elements stored in the master database include a unique product item [[identifier]] data.
5. (Currently Amended) The system for monitoring and managing unsold product inventory items of Claim 1 wherein [[the data elements stored in the master database include a product item description]] data from unsold inventory products items is scanned into the data collection using an optical scanner to collect coded data from a package label.
6. (Currently Amended) The system for monitoring and managing unsold product inventory items of Claim 1 wherein [[the data elements stored in the master database include a product item manufacturer identifier]] data from unsold inventory products items is scanned into the data collection device using a radio frequency scanner to collect coded data from a package tag.

7. (Currently Amended) The system for monitoring and managing unsold product inventory items of Claim 1 wherein the [[data elements stored in the master database include information associated with a retail level store]] data from unsold inventory product items is entered into the data collection device using a touch responsive interface.

8. (Currently Amended) A method for implementing a disposition instruction for unsold product items remaining in inventory at a retail level store comprising the steps of:

providing a master database on a computer server that stores product information and disposition instructions for specified unsold product items in a retail store inventory;

collecting data elements from store inventory items at the retail store by a data collection device having a display, a data element scanning interface, a manual data input interface, a central processing unit, and a memory containing product item and program control information, said data elements are encoded on product item packaging and said data elements containing information associated with the product item;

displaying on the data collection device a listing of unsold product items specified to collect data from;

transmitting one or more data elements on product information to said computer server to update a data table in said master database with the one or more data elements including collected data from the unsold product items;

transmitting disposition instructions for at least one specified unsold product items from the computer server to the data collection device and displaying said instructions on the display; and

implementing said disposition instructions for specified unsold product items at the retail level store after data collection and display of

instructions.

9. (Previously Amended) The method for implementing a disposition instruction for unsold product items remaining in inventory at a retail level store of Claim 8 wherein disposition instructions include hold for vendor instructions.
10. (Previously Amended) The method for implementing a disposition instruction for unsold product items remaining in inventory at a retail level store of Claim 8 wherein disposition instructions include donate instructions.
11. (Previously Amended) The method for implementing a disposition instruction for unsold product items remaining in inventory at a retail level store of Claim 8 wherein disposition instructions include destroy instructions.
12. (Previously Amended) The method for implementing a disposition instruction for unsold product items remaining in inventory at a retail level store of Claim 8 wherein disposition instructions include special handling instructions.

13. (Currently Amended) The method for implementing a disposition instruction for unsold product items remaining in inventory at a retail level store of Claim 8 further comprising the step[[s]] of[:

providing a data collection device with a display screen, data input interface, and communication link to the master database; and

transmitting a data element to the master database from the data collection device.]]

transmitting one or more data elements on product information or program control information to the data collection device during an in-store review of specific unsold product items from the master database.

14. (Currently Amended) The method for implementing a disposition instruction for unsold product items remaining in inventory at a retail level store of Claim 13 further comprising the step of [[receiving a disposition instruction for a specified product item at the data collection device]]

transmitting one or more data elements on product information or program control information to the data collection device before an in-store review of specific unsold product items stored in the device memory from the master database.

15. (Currently Amended) A method for acquiring data and managing unsold product items in inventory at a retail level store comprising the steps of:
- providing a master database on a computer server storing data elements associated with identified product items and including disposition instructions for specified unsold product items;
 - providing a data collection device having an internal memory, a data input interface that includes a data code scanning device and a manual data input device, a display screen, and a communication link to the master database on the computer server;
 - inputting one or more data elements from encoded data associated with the product item into the [[field]] data collection device in a retail level store using said data input interface during an in store review of unsold product items, said review prompted by a computer coupled to the master database;
 - transmitting said one or more data elements from the data collection device to said computer server to update a data table in said master database;
 - [[transmitting disposition instructions from the master database to the data collection device for a specified unsold product item;]] and
 - displaying a [[the]] disposition instruction for the specified unsold product item on the display screen of the data collection device for implementing at the retail store.

16. (Currently Amended) The method for acquiring data and managing product items in inventory at a retail level store of Claim 15 further comprising the steps of:

inputting a unique product item data element for one or more specified product items into the data collection device by a field representative visiting said store; and

transmitting one or more data elements associated with said unique product item data element to the computer server for storing in the master database and associated with the specific store inventory.

17. (Currently Amended) The method for acquiring data and managing product items in inventory at a retail level store of Claim 16 wherein the data elements include a response to a question displayed on the [[field]] data collection device.

18. (Previously Amended) The method for acquiring data and managing product items in inventory at a retail level store of Claim 16 wherein the data elements include an identifier for the disposition implemented for the unsold product item.

19. (Previously Amended) The method for acquiring data and managing product items in inventory at a retail level store of Claim 16 wherein the data elements include a shipping destination.

20. (Currently Amended) The method for acquiring data and managing product items in inventory at a retail level store of Claim 15 further comprising the step of transmitting disposition instructions for one or more specified unsold product items to the data collection device during an in-store visit.

I. THE AMENDED CLAIMS OVERCOME THE EXAMINER'S 35 U.S.C. §102(e) REJECTION

A telephone conference between the Examiner and Applicant's counsel occurred on March 24, 2006. Several possible amendments with the Examiner were discussed during the call, and the Examiner agreed that claims aimed at the data collection device would likely overcome the Goldsmith reference, because, as admitted by the Examiner, Goldsmith does not scan or input data from product items.

The independent claims have been amended to add new limitations focusing on the scanning function of the data collection device. The amended claims add limitations for a data collection device used in a retail level store that collects encoded data from unsold product items. The data collection device is used to detect data encoded on product items that can either be in a symbol or tag format. This type of data collection device is not suggested, taught, or disclosed by the Goldsmith reference. Other dependent claims have been amended to claim additional features of the data collection device or its use within a retail level store. Therefore, it is believed that the Goldsmith reference has been traversed by the amendments.

II. CONCLUSION

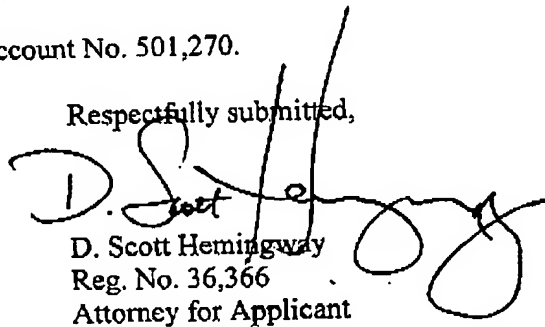
The amended claims distinguish the invention from the Goldsmith reference.. The amended independent Claims 1, 8, and 15 add limitations relating to the data collection device and its scanning and data code detection function. The Examiner has stated that the Goldsmith reference fails to suggest, teach, or disclose this type of data collection device. Since the dependent claims add further limitations to the allowable independent claims, the Applicants believe the dependent claims are likewise allowable.

Accordingly, the Examiner's 35 U.S.C. §102(e) rejection should be traversed and pending claims 1-20 allowed.

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A one-month extension of time is required for this filing. A Petition for Extension of time and a check in the amount of \$60.00 is enclosed for the one-month extension. It is believed that no additional fees are necessary for this filing. If additional fees are required for filing this response, then the appropriate fees should be deducted from D. Scott Hemingway's Deposit Account No. 501,270.

Respectfully submitted,


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